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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/154,431      | 09/16/1998  | FRANCOIS MENARD      | GGD-101             | 6969             |

25545      7590      03/20/2002  
GOUDREAU GAGE DUBUC  
800 PLACE VICTORIA, SUITE 3400  
MONTREAL, QUEBEC, H4Z 1E9  
CANADA

EXAMINER

DUONG, DUC T

ART UNIT      PAPER NUMBER

2663

DATE MAILED: 03/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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|------------------------------|-------------------------------|-------------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>09/154,431 | Applicant(s)<br>MENARD ET AL. |  |
|                              | Examiner<br>Duc Duong         | Art Unit<br>2663              |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 September 1998.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

- |   |  |
|---|--|
| 15) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 17) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 20) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Allowable Subject Matter*

1. The indicated allowability of claims 6, 8, 9, 11-18, 23, and 26-31 are withdrawn in view of the newly discovered reference(s) to Storch et al (U.S. Patent 6,307,853) and Kubler et al (U.S. Patent 5,726,984). Rejections based on the newly cited reference(s) follow.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1, 19, and 21 rejected under 35 U.S.C. 102(e) as being anticipated by Storch et al (U.S. Patent 6,307,853).

Regarding to claims 1, 19, and 21 Storch discloses a telephony communication system and method (see Fig. 1-6 col. 1-11), wherein comprised a PSTN (telephone line) interface 201 (Fig. 6), a telephone device (telephone interface) 151 (Fig. 6), a Wide Area Network interface (packet network interface) 300 (Fig. 6), and a program module 480 (controller circuit) interconnecting with the telephone line interface telephone interface (Fig. 4). The program module is configured to route call onto either the PSTN interface or Wide Area Network interface (col. 6 lines 2-16). Depending on the telephone number dialed, local calls may be routed directly to the PSTN (telephone line interface) of claim 21, while long distance calls are routed to the WAN (packet network interface) of claim 22. See Fig. 3 col. 6 lines 1-3.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-4, 10-13, 18, 20, and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Storch et al in view of Koyama (U.S. Patent 5,654,957).

Regarding to claims 2, 11, 20, and 26, Storch discloses all the limitations with respect to of claim 1, except for a LAN interface.

However, Koyama teaches for a LAN interface 101 (Fig. 2 col. 5 lines 5-10).

Thus, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to provide the LAN interface as taught by Koyama in Storch's system with the motivation to permits sharing network bandwidth.

Regarding to claim 3, Koyama further discloses the Local Area Network interface connects to a packet network by a communication gateway 12 (packet network gateway). See Fig. 1.

Regarding to claims 4 and 12, it is well known in the art that processor includes software for control of call routing.

Regarding to claims 10 and 18, Koyama discloses a packet communication system includes a speech packet processor (speech encoder/decoder) for processing a speech input and speech output. See col. 5 lines 28-30.

Regarding to claims 13, 27, and 28, Storch discloses depending on the telephone number dialed, local calls may be routed directly to the PSTN (telephone line interface), while long distance calls are routed to the WAN (packet network interface). See Fig. 3 col. 6 lines 1-3.

6. Claims 6-9, 14-17, 23-25, and 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Storch in view of Koyama, further in view of Kubler et al (U.S. Patent 5,726,984).

Regarding to claims 6, 8, 9, 14, 16, 17, 23, 25, 29, and 31, Storch in view of Koyama fails to teach for a pre-established routing rule, wherein the call is routed to said telephone line interface when the dialed number does not exist, not present in the telephone database, or packet network is inactive.

However, Kubler teaches for a routing rule, wherein upon detecting the dialed number using the internet network is not in a cross-reference database (col. 101 lines 56-63), a conventional telephone switching network is use route the dialed number (col. 102 lines 4-8) as in claims 8, 16, 25, and 31. The dialed number not in the database reads on to that the dialed number not exist of claims 6 and 14 and packet network is inactive of claims 9, 17, 23, and 29.

Thus, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to include the routing rule as taught by Kubler in Storch in view of Baratz's system with the motivation to provide alternative connection to when packet network is not available.

Regarding to claims 7, 15, 24, and 30, Koyama fails to teach for a pre-established routing rule, wherein the call is routed to the telephone line interface when it is an emergency number. It is obvious to one skill in the art to routed emergency call to telephone line interface since the telephone line interface is known to be more reliable (i.e. call will not be drop) than packet interface.

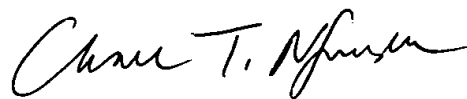
**Conclusion**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc T. Duong whose telephone number is 703-605-5146. The examiner can normally be reached on M-F (8:30 AM-5:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen can be reached on 703-308-5340. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3988 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

DD  
March 13, 2002



CHAU NGUYEN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600